

**REMARKS**

**I. Status of Claims**

The Applicant has carefully considered the Office Action dated July 6, 2009, and the references it cites. Currently, claims 25-28 are canceled are cancelled without prejudice or disclaimer and, therefore, claims 1-24 and 26-32 are pending in this application. The Examiner objects to claims 5-6, 8, 18-19, and 21 for alleged antecedent basis issues. The Examiner also rejects:

- claims 1-7, 9-10, 12-20, 22, 23, and 25-32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0112354 to Ortiz et al. (*Ortiz*) in view of U.S. Patent Publication No. 2002/0051181 to Nishimura (*Nishimura*);
- claims 8 and 21 under 35 U.S.C. § 103(a) as being unpatentable over *Ortiz* in view of *Nishimura* and in further view of U.S. Patent No. 6,236,760 to Bagni et al. (*Bagni*); and
- claims 11 and 24 under 35 U.S.C. § 103(a) as being unpatentable over *Ortiz* in view of *Nishimura* and in further view of U.S. Patent No. 7,003,040 to Yi et al (*Yi*).

In response, the Applicant submits the foregoing amendments and the following remarks.

**II. Claim Objections**

The Examiner objects to claims 5, 6, 18, and 19 for an alleged antecedent basis issue and claims 8 and 21 due to a typographical error. In response, Applicants have amended claims 5, 6, 18, and 19 pursuant to the Examiner's suggestions. With regard to the claims the objections to claims 8 and 21, Applicants have amended a typographical error in the specification to correctly reflect the size is 128x112. Further, support for this amendment can be found in claims 8 and 21 of the originally filed claims. Applicant submits no new matter is introduced by these amendments and respectfully request withdrawal of all claim objections.

**III. Claim Rejections under 35 U.S.C. § 103(a)**

Claim 1 recites an apparatus for transmitting a television signal in a mobile communication terminal capable of receiving the television signal comprising, *inter alia*, a first receiver for receiving a communication signal, wherein the communication signal is associated with a communication function of the mobile communication terminal; a second receiver for receiving the television signal; an input section for generating signals for capturing and transmitting the television signal; a control section for receiving a command signal for capture and transmission of the television signal, and controlling the television signal to be displayed while simultaneously controlling the displayed signal to be captured and transmitted; a memory for storing the image; and a transmission section for transmitting the captured image stored in the memory.

Applicant respectfully submits that *Ortiz* and *Nishimura* fail to describe a control section for receiving a command signal for capture and transmission of the television signal, and controlling the television signal to be displayed while simultaneously controlling the displayed signal to be captured and transmitted. *Ortiz* merely discloses transmitting the image received from a venue to a mobile terminal. On the other hand, *Nishimura* discloses transmitting a captured image via a network. Although *Nishimura* does describe transmitting the captured image, it is axiomatic that *Nishimura* transmits the captured image after a different command has been provided after the recording. By contrast, claim 1 recites a control section for receiving a command signal for capture and transmission of the television signal, and controlling the television signal to be displayed while simultaneously controlling the displayed signal to be captured and transmitted.

Further, *Ortiz* does not cure at least the above-noted deficiencies of *Nishimura*. Thus, for at least the foregoing reasons, claim 1 and all claims dependent therefrom would not have been obvious from *Nishimura* applied alone or in any reasonable combination with *Ortiz*. Further, claim 12 and all claims dependent therefrom are patentable over the cited art for at least substantially the same reasons set forth above in connection with claim 1.

**IV. Conclusion**

The Applicant submits that the above amendments and arguments are fully responsive to the Office Action dated July 6, 2009. Further, the Applicant submits that, for at least the foregoing reasons, all pending claims are in condition for allowance and notice to that effect is requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

Respectfully submitted,



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